

FINDINGS OF FACT

1. The Plainfield School District (School District) is a public employer of teachers and support personnel within the meaning of RSA 273-A:1 X.
2. NEA-New Hampshire is the exclusive representative of the teachers' bargaining unit, the Plainfield Education Association, the sole bargaining unit that exists in the Plainfield School District.
3. NEA-NH has petitioned for the certification of a fourteen member support staff bargaining unit to consist of the following job titles:

Aides (8)	Custodian/Bus Driver (1)
Tutor (1)	Nurse (1)
Custodian (1)	Bus Driver (1)
	Secretary (1)
4. The School District employs one principal and one secretary who types letters and other documents, opens and sorts mail, keeps registers and does filing, handles parents' complaints, keeps minutes of meetings, takes grievances and deals with disciplinary matters.
5. Superintendent John Fontana averred that he negotiates with the Association representative and that the principal at the Plainfield Elementary School does not become involved in contract negotiations. Superintendent Fontana further testified that the principal administers the contract but that Fontana has no direct knowledge of the secretary typing documents dealing with grievances or other labor relations matters.
6. The current principal at the Plainfield Elementary School has a personal computer available but a new principal has been hired and it is expected that he will not type his own work on the computer. It is anticipated that the secretary may well be required to handle labor relations documents for members of the support staff bargaining unit once the bargaining unit has been certified.
7. The School District's representative states that there is no updated secretary's job description in existence. The document submitted is undated and is not informative on the issue of confidentiality.

DECISION

RSA 273-A:1 IX (c) excludes from the definition of public employees who may join in bargaining, those "persons whose duties

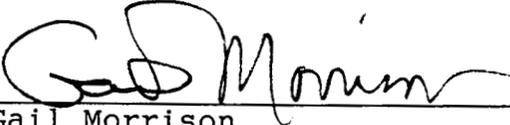
imply a confidential relationship to the public employer." Testimony and documentary evidence regarding the secretary's duties do not convince that such a confidential relationship exists at present. Much testimony was future conditional suggesting that, when the new principal is employed and, when bargaining for the yet to be certified support staff bargaining unit begins, the position of secretary will then be confidential. However, a decision based on expected conditions is abstract and premature. Cheshire County Commissioners v. State Employees Association of New Hampshire/County Corrections Department, Decision NO. 93-112 (1993).

This position of secretary may eventually play a vital role in labor negotiations preparation for the School District, Appeal of the City of Laconia, 135 N.H. 421 (1992), and so will then be excludable. The facts presented at hearing do not now allow the inference of a confidential relationship to an administrator who is involved in labor negotiations. The requested exclusion is denied as speculative.

The petition for certification of the otherwise agreed upon thirteen member support staff bargaining unit described in Finding No. 3 is hereby granted.

So ordered.

Signed this 21st day of June, 1995.



Gail Morrison
Hearing Officer